

November 12, 2009

Mr. Ford called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mrs. Dziubek, Mr. Bischoff, Mr. Walchuk, Mr. Badenhausen, Mr. Ryland, Mr. Nace, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Taibi, Mrs. Corcoran

Others Present: Atty. Mark Anderson, Kevin Smith, Atty. Scott Carlson, Jeff Houser,

Approval of Minutes: Mr. Bischoff made a motion to approve the minutes of the September 29, 2009 Joint Committee/Board Meeting, October 8, 2009 Workshop Meeting and the October 22, 2009 Joint Committee and Regular Meetings. Mr. Kirkpatrick seconded the motion.

There were no objections to the minutes. They were accepted as presented.

Bulvanoski: Block 22, Lots 9 & 10, Frontage Road: Memorialization of Resolution: Mr. Badenhausen made a motion to memorialize the Resolution. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Badenhausen, Mr. Ryland, Mr. Walchuk, Mr. Nace, Mr. Kirkpatrick

Goldberg: Block 25, Lot 28, 64 Cooks Cross Road: Memorialization of Resolution: Mr. Bischoff made a motion to memorialize the Resolution. Mrs. Dziubek seconded the motion.

Vote: Ayes: Mr. Bischoff, Mrs. Dziubek, Mr. Walchuk, Mr. Badenhausen, Mr. Ryland, Mr. Nace, Mr. Kirkpatrick

Plushanski: Block 22, Lots 15 & 15.01, Frontage Road: Mr. Ford said this was an application for a quarry license. It appears that a site plan will be required. If applicant disagrees, proof of exemption from filing a formal application is required. Action on the application shall be taken within ninety days. Atty. Anderson said the matter should be listed on the earliest Board agenda available. Mr. Ford recommended it be placed on the December 10, 2009 agenda. Mr. Smith gave an overview of the quarrying license application. The Governing Body controls quarry licensing. The application is typically referred to the Planning Board for their review and recommendation to the Governing Body. The Board reviews the plan as it relates to reclamation, restoration and landscaping/buffering. The ninety days begins to toll after a proper application has been submitted. Applicant is seeking waivers from certain Checklist Items. Mr. Bischoff thought it should first be determined if a site plan was required. Mr. Smith said that would be the first step. Atty. Anderson said the Board should take action on the application. Mr. Ford asked for a motion to deem the application improper. He asked Mr. Smith to work with Mr. Plushanski to perfect the application.

Mr. Kirkpatrick made a motion to deem the application improper and, therefore, not ready for review. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Walchuk, Mr. Badenhausen, Mr. Ryland, Mr. Nace, Mr. Kastrud, Mr. Kirkpatrick

Abstain: Mrs. Dziubek, Mr. Bischoff

Pilot Travel Centers, LLC: Block 11, Lot 24.03, 68 Cooks Cross Road: Mayor Dziubek and Mr. Bischoff recused themselves before the Pilot discussion. Atty. Scott Carlson was present on behalf of applicant. Mr. Carlson gave a status report on the NJDOT application. He addressed landscaping issues raised in Mr. Hintz's memorandum dated November 9, 2009. Applicant has agreed to comply. Mr. Kirkpatrick had a question about testimony regarding lighting under the canopy. Shielding should be installed around the lights to be consistent with the testimony. Applicant will address that concern. Atty. Carlson addressed a letter from Mr. Smith dated November 6, 2009 pertaining to traffic circulation. The areas of concern were congestion at the site caused by truckers not obeying the rules and trucks re-circulating through the site. Mr. Carlson believes that truck congestion has been somewhat alleviated since Mr. Smith wrote the letter. Atty. Carlson and Mr. Smith had met at the site this afternoon. Mr. Smith said the site was operating much better than previously. Mr. Kirkpatrick concurred. He, too, had been at the site this afternoon.

Atty. Carlson addressed traffic circulation. He said additional signage would be installed to clarify that trucks cannot make a left-hand turn when exiting the site. Mr. Kirkpatrick suggested that penalties be posted on the signage. Atty. Carlson asked that the changes be considered field changes. Mr. Kirkpatrick said he had no objection. Mr. Ford asked for questions. Mr. Ryland commented about on-site traffic congestion. Doesn't Pilot have responsibility? Atty. Carlson said Pilot is attempting to resolve the problem. He also said there appears to be a connection between the State Weigh Station in Greenwich Township and traffic congestion. Mr. Ryland also noted that many truckers have difficulty making right hand turns from the site. Mr. Kirkpatrick noted that trucks park in a manner that tightens their turning radius when exiting.

Atty. Carlson addressed wastewater treatment. He said Pilot submitted a Treatment Works Application to the Township Committee on October 28, 2009. He understood the Township took no action at their meeting of November 4, 2009. They were seeking a recommendation from the Planning Board. Mr. Kirkpatrick said he had signed the Document. He also said he was surprised to receive the Application, since Pilot had submitted a NJPDES Permit Application several months ago. Atty. Carlson asked Jeff Houser to address that matter. Mr. Houser said the Governing Body approved the Resolution on November 4, 2009, subject to review and written approval of the Board. Mr. Smith said the Committee was seeking a recommendation from the Board. Mr. Houser explained that the NJPDES Individual Discharge Permit was filed with the NJDEP in 2007. As the project evolved, Pilot was able to stay under the NJPDES-1 Permit requirements.

The Treatment Works Application allows the NJDEP to evaluate what is proposed and determine if it is capable of meeting discharge requirements. Mr. Kirkpatrick said a new wastewater treatment facility was part of the testimony and approval. Whatever is submitted to NJDEP has to provide a net decrease in the mass of pollutant discharge groundwater, independent of the volume. Mr. Houser said the Treatment Plan has been designed to handle 6,500 gallons of wastewater per day. Mr. Smith said he was satisfied that the proposed system will be a substantial improvement over that which exists. Mr. Kirkpatrick asked if the system is different from that which was proposed at the Hearing. Mr. Houser described the changes.

Atty. Carlson said Pilot would be seeking release of bonds from the Township Committee. Mr. Kirkpatrick said there were landscaping issues and the matter of the wastewater treatment plan. Mr. Carlson concurred. He said Pilot would seek a portion of the bonds. Mr. Smith explained how the bonding issue would be handled. A question was asked about availability of monitoring reports pertaining to waste water discharge. Mr. Houser said they could be made available to the Township. They are maintained at the site.

Regarding the Statement of Consent for Pilot's Treatment Works Application, secretary was asked to convey to the Township Committee that the Planning Board has reviewed and approved the Document.

Atty. Carlson thanked the Board for their time. Pilot will provide updates as deemed necessary by the Board.

Correspondence: Mr. Ford mentioned an article in the Hunterdon County Democrat, dated November 15, 2009, regarding Flemington putting COAH burden on developers.

Atty. Anderson referenced a letter sent to him regarding an action taken at the Board's October 8, 2009 workshop. Mr. Anderson had been asked to review a Clinton Township Ordinance pertaining to issuance of construction permits prior to final site plan approval. Mr. Kirkpatrick said the Ordinance is undergoing substantial revisions and that the Clinton Township Ordinance could be considered with other revisions.

Cancellation of Meetings: Mr. Badenhause made a motion to cancel the November 19, 2009 Board meeting. Mr. Ryland seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Kirkpatrick made a motion to cancel the December 10, 2009 workshop and reschedule the Plushanski matter for December 17, 2009. Mr. Walchuk seconded the motion. Lawrence Frace, a resident who asked to appear at the December 10, 2009 workshop, will be notified that he should appear on December 17, 2009.

Vote: All Ayes, No Nays, Motion Carried

Mr. Ford asked secretary to notify absent members of the meeting cancellations. Mr. Kirkpatrick asked that members let secretary know they have received e-mails. If there is no response within three to five days, a telephone call will be made, or letter will be sent.

Motion to Adjourn: Mr. Walchuk made a motion to adjourn. Mr. Kirkpatrick seconded the motion. (8:00 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher.